

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Health Discovery Corporation,

Plaintiff,

v.

Intel Corporation,

Defendant.

Civil Action No. 6:22-cv-00356

The Honorable Alan D. Albright

**JURY TRIAL DEMANDED**

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**CASE READINESS STATUS REPORT**

Plaintiff Health Discovery Corporation (“Plaintiff” or “HDC”) and Defendant Intel Corporation, Inc. (“Defendant” or “Intel”) hereby provide the following status report.

**SCHEDULE**

A scheduling order has not yet been filed.

A *Markman* date has not yet been proposed. The parties previously agreed to certain claim term constructions, and the Court previously construed disputed claim terms, from the asserted patents in *Health Discovery Corporation v. Intel Corporation*, Civil Action No. 6:22-cv-00666 (W.D. Tex.). *See* Claim Construction Order, ECF No. 51, Civil Action No. 6:22-cv-00666 (W.D. Tex. June 3, 2021); Joint Claim Construction Statement, ECF No. 41, Civil Action No. 6:22-cv-00666, at 2 (W.D. Tex. May 24, 2021). Intel reserves the right to request construction of additional claim terms after HDC serves its Preliminary Infringement Contentions in this action.

A trial date has not yet been proposed.

### **FILING AND EXTENSIONS**

HDC filed the Complaint for Patent Infringement (the “Complaint”) on April 5, 2022.

ECF No. 01. There has been one agreed extension of time (ECF No. 08) of 45 days.

### **RESPONSE TO THE COMPLAINT**

Intel filed its Answer to the Complaint on June 13, 2022. ECF No. 17. The pleadings are closed.

### **PENDING MOTIONS**

There is one pending request before the Court as follows:

- (i) HDC filed a Request to Use Originating Case Number on June 10, 2022. ECF No. 15.
- (ii) Intel filed an Opposition to HDC’s Request to Use Previous Case Number on June 10, 2022. ECF No. 16.
- (iii) HDC filed a Reply to Intel’s Opposition on June 15, 2022. ECF No. 18.
- (iv) Intel filed a Reply to HDC’s Reply on June 16, 2022. ECF No. 19.
- (v) A motion hearing via Zoom is scheduled for July 8, 2022 at 10:00 AM CDT before Judge Gilliland.

### **RELATED CASES IN THIS JUDICIAL DISTRICT**

There are no related cases in this or other districts.

### **IPR, CBM, AND OTHER PGR FILINGS**

Intel Corporation filed seven petitions for *inter partes* review, three of which were instituted.<sup>1</sup> The PTAB held Oral Argument on all three proceedings on June 14, 2022.

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<sup>1</sup> The PTAB denied institution on four petitions: IPR2021-00555 (U.S. Patent No. 10,402,685), IPR2021-00553 (U.S. Patent No. 8,095,483), IPR2021-00551 (U.S. Patent No. 7,542,959), and IPR2021-00549 (U.S. Patent No. 7,117,188).

- IPR2021-00550 (U.S. Pat. No. 7,117,188): final written decision expected by September 7, 2022;
- IPR2021-00552 (U.S. Pat. No. 7,542,959): final written decision expected by September 14, 2022; and
- IPR2021-00554 (U.S. Pat. No. 8,095,483): final written decision expected by September 20, 2022.

### **NUMBER OF ASSERTED PATENTS AND CLAIMS**

HDC has asserted four patents (U.S. Patent Nos. 7,117,188, 7,542,959, 8,095,483, and 10,402,685) and a total of 60 claims, as follows:

- Claims 1-23 of the '188 patent;
- Claims 1, 5, 6, 10, 12, and 16 of the '959 patent;
- Claims 1, 5, 6, 7, 13, 18, 22, and 32 of the '483 patent; and
- Claims 1-23 of the '685 patent.

Intel filed a Motion to Dismiss under 35 U.S.C. § 101 in *Health Discovery Corporation v. Intel Corporation*, Civil Action No. 6:22-cv-00666 (W.D. Tex.), which the Court granted at the end of 2021, without prejudice. Memorandum Opinion, ECF No. 66, Civil Action No. 6:22-cv-00666 (W.D. Tex. Dec. 27, 2021).

HDC will serve Preliminary Infringement Contentions no later than seven (7) days before the CMC occurs or is deemed to have occurred.

### **APPOINTMENT OF TECHNICAL ADVISOR**

The parties do not request a technical advisor to be appointed at this time, but are open to the Court's decision to appoint a technical advisor. In *Health Discovery Corporation v. Intel Corporation*, Civil Action No. 6:22-cv-00666 (W.D. Tex.), the Court appointed Dr. Josh Yi as the technical advisor prior to holding a *Markman* hearing.

**MEET AND CONFER STATUS**

HDC and Intel conducted meet and confer conferences on June 8 and June 10, 2022. The parties discussed a potential stay of the litigation until the IPRs were resolved. The parties did not reach an agreement on a stay.

Dated: June 30, 2022

Respectfully submitted,

**DUNLAP BENNETT & LUDWIG PLLC**

**PERKINS COIE LLP**

/s/ Brian Medich

/s/ Kourtney Mueller Merrill

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***Attorneys for Defendant Intel Corporation***

**CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2022, the foregoing was filed electronically in compliance with Local Rule CV-5(b)(1) and served via e-mail on all counsel who have consented to electronic service.

/s/ Brian Medich  
Brian Medich  
*Attorney for Health Discovery Corporation*